

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

MELVIN GARCIA,

Petitioner,

v.

No. CIV 07-982 RB/LFG

ROBERT ULIBARRI, Warden,
and the ATTORNEY GENERAL OF THE
STATE OF NEW MEXICO, GARY K KING,

Respondents.

**ORDER ADOPTING MAGISTRATE JUDGE'S FINDINGS
AND RECOMMENDED DISPOSITION
AND DISMISSING ACTION WITH PREJUDICE**

THIS MATTER is before the Court on the Magistrate Judge's Findings and Recommended Disposition, filed January 17, 2008 [Doc. 18]. Petitioner did not file objections and the deadline for filing objections has passed.¹ The Court accepts the findings and recommended disposition.

IT IS HEREBY ORDERED that the findings and recommended disposition of the United States Magistrate Judge are adopted by the Court.

IT IS FURTHER ORDERED that the petition is denied and this action be, and it hereby is, dismissed with prejudice.



UNITED STATES DISTRICT JUDGE

¹On January 29, 2008, Petitioner filed a notice of change of address indicating he was to be paroled on January 28, 2008 and providing an address in Farmington, New Mexico. [Doc. 19.] The fact that Petitioner was to be paroled does not change his "in custody" status for purposes of the § 2254 petition. In addition, there is no indication that Petitioner would not have been provided with a copy of the court's recommendation before being paroled.